

(2018) 09 J&K CK 0059

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 1743 Of 2013

Shameema Akhter @APPELLANT@Hash State Of Jammu & Kashmir And Ors

Date of Decision : 24-09-2018

Acts Referred:

Citation : (2018) 09 J&K CK 0059

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : P.N.Bhat

Final Decision : Allowed

Judgement

1. The grievance projected by the petitioner in this petition is that vide advertisement notice dated 14.09.2007, applications were invited for the post of RET in Middle School, Pora Pain which was an upgraded school from Primary to Middle School. The petitioner claims that she being eligible applied along with other eligible candidates for the aforesaid post. The respondents prepared a panel for inviting objections from the aggrieved candidate, if any and in the panel prepared, the petitioner's name was figuring at serial No.6.

2. It is submitted that insofar as candidate at serial No.1 of the panel is concerned, he had already been appointed in Government service, as such, was not considered. The candidate figuring at serial No.2 was, however, approved for engagement and was, accordingly, engaged as Rehbar-e-Taleem against one of the two posts advertised for engagement. The case set out by the petitioner is that the candidate figuring at serial No.3, 4 and 5 of the panel, though, higher in merit than the petitioner had submitted an undertaking that they are no more interested to be engaged as RET.

3. Learned counsel for the petitioner, therefore, submits that the petitioner would feel satisfied, if this petition is disposed of at this stage by directing the respondents to consider the case of the petitioner for engagement as RET in Middle School, Pora Pain against the left over post of RET keeping in view the fact

that the candidates higher in merit than the petitioner have already given undertaking that they are no more interested in the engagement.

4. Having heard learned counsel for the parties and perused the record, it is seen that pursuant to advertisement notice dated 14.09.2007, the eligible candidates who had applied were considered by the Zonal Education officer, Gandoh and a merit panel was prepared. The petitioner, admittedly, figures at serial No.6 of the panel in view of her merit. The contention of the petitioner that one post has already been filled up by appointing the candidate, namely, Balwan Singh, who figures serial No.2 in the merit panel for the reason that the person figuring at serial No.1 had already been appointed in government service, needs to be verified by the respondents. It also needs to be verified as to whether candidates figuring at serial No.3, 4 and 5 have submitted any undertaking that they are no more interested in the engagement in question. If upon verification, the contentions raised by the petitioner, as noted above, are found to be correct, then case of the petitioner deserves to be considered.

5. Accordingly, this writ petition is allowed by directing respondent No.3 to look into the matter and see, if the post of RET notified vide advertisement notice dated 14.09.2007 is still lying vacant and candidates higher in merit than the petitioner have either been engaged or have given undertaking that they are no more interested in the engagement then the case of the petitioner shall be considered for her engagement against the second post of RET in Middle School, Pora Pain. Let this exercise of verification and issuing appropriate orders upon consideration of the case of the petitioner be completed within a period of six weeks from the date certified copy of this order is served upon respondent No.3.